

R. K. Hoff

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE MUSEUM OF MODERN ART, and THE
SOLOMON R. GUGGENHEIM FOUNDATION,

Plaintiffs,

BOY LEADING A HORSE, and LE MOULIN DE
LA GALETTE, Two Paintings by Pablo Picasso,

Plaintiffs-in-rem,

- against -

JULIUS H. SCHOEPS,

Defendant.

07 Civ. 11074 (JSR)

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JULIUS H. SCHOEPS, EDELGARD VON
LAVERGNE-PEGUILHEN and FLORENCE
KESSELSTATT,

Counterclaim-Plaintiffs,

- against -

THE MUSEUM OF MODERN ART, and THE
SOLOMON R. GUGGENHEIM FOUNDATION,

Counterclaim-Defendants.
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USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>9-9-08</u>
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CONSENT ORDER

Plaintiff and counterclaim-defendant The Museum of Modern Art ("MoMA"), by
its counsel, Cleary Gottlieb Steen & Hamilton LLP and counterclaim-plaintiffs Julius H.
Schoeps, Edelgard von Lavergne-Peguilhen and Florence Kesselstatt (collectively,

“Counterclaim-Plaintiffs”), by their counsel, Byrne Goldenberg & Hamilton, PLLC, hereby agree as follows:

1. At the request of the Reunion des musees nationaux (the “Reunion”), which is located in Paris, France and is organizing an exhibit entitled “Picasso and the Masters” from October 6, 2008 through February 2, 2009 (the “Picasso Exhibit”) in conjunction with the Musée national Picasso, the Musée du Louvre, and the Musée d’Orsay, MoMA will loan Pablo Picasso’s *Boy Leading a Horse* (1906) (“*Boy Leading a Horse*”) for exhibition at Les Galeries nationales du Grand Palais (the “Grand Palais”) for the Picasso Exhibit.

2. During the period *Boy Leading a Horse* is on loan to the Reunion, including the time it is in transit to and from the Grand Palais (packing and transit time is estimated at two to three weeks before and after the exhibition), Counterclaim-Plaintiffs and their undersigned counsel will take no action that may result in seizure or otherwise hinder the loan of *Boy Leading a Horse* to the Reunion or its return to MoMA. With the exception of the above-captioned action, Counterclaim-Plaintiffs and their undersigned counsel will not directly or indirectly aid, encourage, initiate or participate in proceedings, judicial, administrative or otherwise, in any jurisdiction anywhere in the world concerning claims of ownership, title, or possessory rights to *Boy Leading a Horse*. Should any such proceeding concerning *Boy Leading a Horse* be initiated while the painting is on loan to the Reunion, or in transit to or from the Grand Palais, Counterclaim-Plaintiffs and their under-signed counsel agree to cooperate with MoMA to seek its timely dismissal, without regard to the individual, entity or government that initiated such proceeding.

3. MoMA will secure the return of *Boy Leading a Horse* prior to the end of the loan, if so directed by the Court.

4. The Court will retain in rem jurisdiction over *Boy Leading a Horse* for purposes of the above-captioned action while *Boy Leading a Horse* is on loan to the Reunion with the permission of the Court.

5. The provisions of this stipulation are in addition to and are not intended to waive or replace any immunity granted by France or any other jurisdiction.

Dated: New York, New York
September 3, 2008

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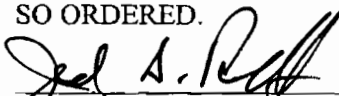
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Peguilhen and Florence Kesselstatt

SO ORDERED.


JED S. RAKOFF, U.S.D.J.

9-8-08